

OFFICIAL FILE
ILLINOIS COMMERCE COMMISSION
STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

ORIGINAL

In the Matter of)
)
ECONOPHONE, INC.)
)
For Cancellation of its Certificate of Interexchange)
Service Authority to Operate as a Reseller of)
Telecommunications Services Within the State)
Of Illinois)

~~96-0324~~

00-0688

CHIEF CLERK'S OFFICE

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ILLINOIS
COMMERCE COMMISSION

PETITION TO CANCEL CERTIFICATION

Viatel, Inc. ("Viatel"), by its attorneys and pursuant to Section 13-406 of the Illinois Public Utilities Act, hereby requests that the Illinois Commerce Commission (the "Commission") cancel Econophone, Inc.'s Certificate of Interexchange Service Authority to Operate as a Reseller of Telecommunications Services in Illinois (the "Certificate"). In support hereof, it is respectfully shown as follows:

I. BACKGROUND

By Order dated September 5, 1996, the Commission granted Econophone Inc.'s ("Econophone's") request for certification pursuant to Section 13-404 of the Act.¹ Subsequently, Econophone underwent an internal reorganization and created a wholly owned subsidiary, Econophone Services, Inc. ("ESI"). ESI was to become a certificated service provider in Illinois and other states where Econophone held certifications and provide service to Econophone's existing customers in place of Econophone. Econophone, in turn, would become the holding company of ESI and cease to provide telecommunications service.

¹ See *Econophone, Inc. Application for a Certificate of Interexchange Service Authority to Operate as a Reseller of Telecommunications Services Within the State of Illinois*, Order, Docket No. 96-0324 (Sep. 5, 1996).

Accordingly, on May 29, 1998, ESI and Econophone jointly submitted an application requesting that the Commission grant ESI a Certificate of Interexchange Service Authority to Operate as a Reseller of Telecommunications Services in Illinois.² The application included a request by Econophone that the Commission, upon granting certification to ESI, cancel Econophone's certification.³ By Order dated October 21, 1998, the Commission granted ESI's request for certification but apparently did not address the cancellation request.⁴ Pursuant to its Certificate of Service Authority, ESI began providing service to Econophone's Illinois customers, and Econophone ceased to operate as a service provider.

Following Econophone's request for cancellation and after it had ceased to provide any services to Illinois customers, Econophone changed its name to Destia Communications, Inc. ("Destia"). Subsequently, all of Destia's outstanding stock was acquired by Viatel Acquisition Corp., a Delaware corporation and wholly-owned subsidiary of Viatel.⁵ Accordingly, Viatel requests cancellation of Econophone's certificate.

² See *Econophone Services Inc. for a Certificate of Interexchange Service Authority to Operate as a Reseller of Telecommunications Services Within the State of Illinois*, Application (filed May 29, 1998).

³ See *id.* at 2 & 7.

⁴ See *Econophone Services, Inc. Application for a Certificate of Interexchange Service Authority to Operate as a Reseller of Telecommunications Services Within the State of Illinois*, Order, Docket No. 98-0431 (Oct. 21, 1998).

⁵ On October 22, 1999, ESI and Viatel notified the Commission of this transaction whereby Viatel would acquire control of ESI. The letter also notified the Commission of ESI's new corporate name: Destia Communications Services, Inc. See Letter from Margaret L. Tobey, Counsel to Viatel, Inc. to Illinois Commerce Commission, Chief Clerk's Office (Oct. 22, 1999); see also Letter from Donna M. Caton, Chief Clerk,

II. REQUEST FOR ACTION

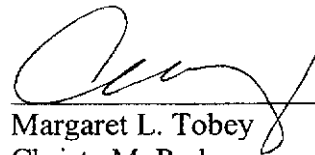
Econophone has ceased to engage in any telecommunication operations in Illinois, has no customers, and is making no offers to provide such services in Illinois. Econophone is merely the holding company of its wholly owned subsidiary, ESI, which provides service to all of Econophone's former Illinois customers. The cancellation of Econophone's Certificate will, therefore, not affect Illinois customers and is not otherwise contrary to the public interest.

WHEREFORE, Viatel requests that the Commission approve the surrender and cancellation of Econophone's Certificate.

Respectfully submitted,

VIATEL, INC.

By:



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Illinois Commerce Commission to Margaret L. Tobey, Counsel to Viatel, Inc. (Oct. 28, 1999). Subsequently, Destia Communications, Inc. notified the Commission of its new corporate name: Viatel Services, Inc. See Letter from Margaret L. Tobey, Counsel to Viatel, Inc., to Donna M. Caton, Chief Clerk, Illinois Commerce Commission (Jan. 28, 2000). For ease of reference, Viatel Services, Inc. will continue to be referred to as ESI.

VERIFICATION


This petition shall be verified under oath.

OATH


District of Columbia

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) ss
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I, Crisitina Chou Pauzé, first being duly sworn upon oath depose and say that I am counsel for Viatel, Inc., a corporation formed under the laws of the state of Delaware; that I have read the above and foregoing petition by me subscrbed and know the contents thereof; that said contents are true in substance and in fact, except as to those matters stated upon information and belief, and as to those, I believe same to be true.


Cristina Chou Pauzé
Counsel for Viatel, Inc.

Subscribed and sworn to before me, this 20th
day of October, 2000.


Notary Public, District of Columbia
My Commission Expires
September 14, 2001